Remarks

The Applicants acknowledge the 35 U.S.C. §112 rejection of Claims 20 and 23 - 29. The Applicants have amended Claim 20 to clarify the steps in the method in accordance with the Examiner's helpful suggestion so that the paragraph at issue now reads:

> "collecting the substance in the reservoir by repeatedly performing the steps of uptaking a solution or suspension liquid with the substance into the reservoir, repeatedly moving the carrier material in the reservoir with said drive device and binding the substance to a surface of the carrier material and delivering the remaining liquid from the reservoir."

The Applicants invite the Examiner's attention to the original Specification at, for example, page 12, paragraph 2, line 1; page 13, paragraph 2, first sentence; and page 10, line 7. The Applicants respectfully submit that clear support for the revised language to Claim 20 may be found in those locations. The Applicants accordingly respectfully request withdrawal of the §112 rejection.

Claim 30 has also been amended for clarification purposes and now recites that the drive device is located outside the reservoir for holding and for performing a repeated, aimed movement of the carrier material in the reservoir. Support may be found in similar locations.

The Applicants acknowledge the 35 U.S.C. §102 rejection of Claims 30 and 32 – 36 over Tajima. In that regard, the Applicants note with appreciation the Examiner's helpful and detailed comments concerning the disclosure of Tajima. In particular, reference to made to the fact that the device is useful with micro scale particles and, therefore, may be inherently classified as a microdoser, micropipette or microdispenser.

The Applicants respectfully submit that no such inherency in Tajima is disclosed, either explicitly or implicitly. There is utterly no relationship between the capability of manipulating microorganisms on the one hand and the size of the device used for such manipulation on the other

hand. It is correct that microorganisms can be handled with microdosing devices. However, such microdosing devices are not disclosed in Tajima, either explicitly or implicitly. In fact, the Applicants respectfully submit that just the opposite is true. The entire disclosure of Tajima shows that the conventional technique does not use a microdosing device. The Applicants therefore respectfully submit that it would be improper to take the position that such a microdosing device is inherently disclosed when the prior art leads those of ordinary skill in the art in essentially the opposite direction. The Applicants accordingly respectfully request withdrawal of the §102 rejection based on Tajima.

The rejection also references the function of the device holding the magnetic particles. According to Tajima, operation of the magnets does not allow a predetermined motion of the magnetic particles in the microdosing device with the magnetic forces of the magnets. If the particles are released from the magnets, they would move under the influence of gravity, but not under the influence of magnetic forces. Thus, Tajima does not apply in yet a second way. Again, the Applicants respectfully request withdrawal of the rejection based on §102.

The Applicants acknowledge the rejection of Claims 37 – 38 under 35 U.S.C. §103. There appears to be some confusion in the rejection as it is set forth at the top of page 7 in paragraph "10." The rejection states that Claims 37 – 38 are rejected as being unpatentable over Tajima as applied to Claims 20 – 28 and 30 – 36 above and further in view of Papen et al. However, the Applicants are unaware of a rejection of Claims 20 – 28 and 30 – 36 based on Tajima in this Office Action. The only other art rejection appears to be the rejection of Claims 30 and 32 – 36 under 35 U.S.C. §102 over Tajima. Clarification is respectfully requested.

The Applicants will attempt to address the rejection as they understand it. However, a bit of background is believed to be helpful. Before this invention, the substance collection as claimed herein was never contemplated or proposed. Further, the Applicants respectfully submit that it would not be obvious to perform the substance collection in the reservoir of a microdosing device. One skilled in the art would expect that the function of the microdosing device would be disturbed by the carrier material.

Tajima does not disclose the use of microdosing devices for the reasons set forth above and for the following reasons. First, Tajima proposes the use of conventional macroscopic pipettes as shown in Fig. 2. It is clear from the dimensions of the remaining components of the structure shown in Fig. 2 that the pipette T_1 is adapted for handling ml volumes rather than µl or nl volumes. Further, Tajima discloses a device that is adapted for handling a blood sample such as is shown, for example, in Column 15 at line 29. Blood represents a suspension of cells, proteins and other biological materials which would block the reservoir if it would be introduced into a microdosing device. Thus, one of ordinary skill in the art would not look to Tajima and Tajima would hardly render the microdosing device as set forth in the solicited claims as being obvious. In sharp contrast, Tajima leads those of ordinary skill in the art in a direction far, far different than the microdosing device of this invention. The Tajima device is completely different and the use of the Tajima device is also quite different in view of its direction towards utilization in conjunction with blood.

Hypothetically combining Papen with Tajima would not cure the deficiencies associated with Tajima. The Applicants accordingly respectfully request withdrawal of the rejection based on the hypothetical combination of Papen with Tajima.

In light of the foregoing, the Applicants respectfully submit that the entire Application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,

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